

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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CITY BAY CAPITAL LLC, a New York limited liability company,

Plaintiff,

v.

BH&G HOLDINGS, LLC, a Nevada limited liability company; BH&G ENTERPRISES, LLC, a Nevada limited liability company; GREEN MESA CAPITAL LLC, a Nevada limited liability company; MGP APEX 582 DEVELOPMENT, LLC formerly known as GMC APEX 582 DEVELOPMENT, LLC, a Nevada limited liability company; MGP APEX 582 GUARANTY, LLC formerly known as GMC APEX 582 GUARANTY, LLC, a Nevada limited liability company; MGP APEX 582 MULTIFAMILY, LLC formerly known as GMC APEX 582 MULTIFAMILY, LLC, a Nevada limited liability company; MULTIGREEN PROPERTIES, LLC, a Nevada limited liability company; TRU DEVELOPMENT LLC, a Nevada limited liability company; and DOES 1 through 50, inclusive,

Defendants.

Case No. 2:21-cv-01790-RFB-EJY

ORDER

Pending before the Court is Plaintiff's Motion to Extend Discovery Deadlines (ECF No. 81). Plaintiff's Motion, which relates directly to discovery, is not presented as unopposed and makes no reference to any meet and confer efforts as required under Local Rule. This would be reason enough to deny the Motion; however, and more importantly, Defendants appear to no longer be represented by counsel. Defendant entities cannot appear *pro se* in federal court. *U.S. v. High Country Broad Co., Inc.*, 3 F.3d 1244, 1245 (9th Cir. 1993), *citing*, *Rowland v. California Men's Colony*, 506 U.S. 194 (1993) (it is well settled law that a "corporation may appear in federal court only through licensed counsel."). Despite this well settled law, Plaintiff proceeds with motion practice (serving *pro se* entities through CMECF only, which would not constitute effective service).

1 Accordingly, IT IS HEREBY ORDERED that Plaintiff's Motion to Extend Discovery
2 Deadlines (ECF No. 81) is DENIED without prejudice.

3 IT IS FURTHER ORDERED that discovery is stayed in this matter through and including
4 **March 13, 2024**, to allow Defendants the opportunity to retain new counsel.

5 IT IS FURTHER ORDERED that Plaintiff's counsel **must**, no later than **February 20, 2024**,
6 contact Defendants through whatever means are available to ensure delivery of this Order to the
7 same. Plaintiff must file a notice with the Court describing the efforts to contact Defendants and
8 whether those efforts were successful.

9 IT IS FURTHER ORDERED that if new counsel for each Defendant has not appeared by or
10 before March 13, 2024, a status report **must** be filed on **March 20, 2024** by Plaintiff and Defendants,
11 if any that are represented by counsel, that explains how, if at all, this case may proceed and against
12 any of the Defendants.

13 DATED this 12th day of February, 2024.

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16 ELAYNA J. YOUCHAH
17 UNITED STATES MAGISTRATE JUDGE
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